

CITY OF NEWPORT BEACH

City Council Minutes Study Session and Regular Meeting September 8, 2015

I. ROLL CALL – 4:00 p.m.

Present: Council Member Peotter, Council Member Petros (arrived at 4:48 p.m.), Council Member Curry, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

II. CURRENT BUSINESS

SS1. Clarification of Items on the Consent Calendar – None

SS2. Presentation of Check from the Friends of the Newport Beach Library

Amy Hunt, President of Newport Beach Friends of the Library, presented a \$205,000 check to the City and thanked Library Services Director Hetherton for his support.

Mayor Selich expressed his appreciation on behalf of the City Council.

SS3. Proclamation Declaring *International Literacy Day*

Mayor Selich read and presented the proclamation to Literacy Program Coordinator Cheryl Weiss.

Ms. Weiss thanked the City and invited Council to attend a ceremony on September 10, 2015, at 10:00 a.m. at the Central Library. She discussed the program, volunteers, and volunteer hours contributed, and commented on their fundraising efforts.

SS4. Newport Beach Sister City Association Update and Antibes 25th Anniversary [100-2015]

Cherri Penne-Myers, Vice President, Newport Beach Sister City Association, distributed a packet of information, thanked Council, and provided an update on the activities of the Association. She addressed the Association's mission and reported on a recent visit to Antibes, France, in celebration of the 25th Anniversary of the Sister-City relationship. Additionally, she commented on student exchanges taking place in October 2016 and February 2017. She also addressed continuing celebrations of the 25th Anniversary on October 26, 2015, at the Newport Theater, as well as other events to which Council will be invited.

Connie Skibba, head of the Okazaki Committee, distributed a picture to Council and commented on the student exchange program. She addressed an upcoming pumpkin-carving party and thanked Council for its support relative to the placement and presentation of the Shogun Tokugawa statue. She invited Council to attend a party on October 2, 2015.

Jack, the Newport Harbor High School Liaison, commented positively on his experience visiting Antibes due to the Sister City program.

Mayor Pro Tem Dixon thanked representatives of the Association for their support and commented on her experience representing the City in Antibes. She added that the Sister City organization is a volunteer organization, noting that no taxpayer dollars are used to fund it.

Mayor Selich thanked Mayor Pro Tem Dixon for representing the City in Antibes and the Association for promoting the Sister City relationship.

SS5. Presentation by the Orange County Sanitation District (OCSD) on the Start of Phase II of Their PCH Sewer Force Main Project [100-2015]

Rob Thompson, OCSD Director of Engineering, provided a PowerPoint presentation addressing the OCSD service area, OCSD sewers in Newport Beach, an update of their projects in the City, and completed construction.

Public Works Director Webb reported that staff is working on Dover Drive and provided an update relative to that project.

In response to Mayor Pro Tem Dixon's question, Public Works Director Webb provided information on several projects in the Lido area, including a water-main replacement project that feeds the Peninsula, as well as the widening project near 32nd Street.

Regarding future projects and impacts, Public Works Director Webb reported that staff is trying to keep two lanes open in each direction at all times, but there will be instances when only one lane will be open and where Mariners Mile will be impacted. Mr. Thompson explained that, for impacts to the Mariners Mile sections, traffic control will be sequenced so that they will be during off-peak hours.

SS6. John Wayne Airport (JWA) Settlement Agreement Amendment (C-2535): Noise Monitoring Station Technology [38/100-2015]

City Manager Kiff provided a PowerPoint presentation, noting that people should be aware that the noise monitoring microphones are being changed and so the limits are required to be changed in the agreement, the change in runway designations and flight departure patterns due to the FAA's reaction to changes in the polarity of the earth, the latter of which includes an error that makes flights go too far to the west, and the FAA is working on changing air space departures/arrivals, nationwide (NextGen). He referenced a letter in which the FAA tries to explain the impacts of NextGen, which is available to the public in the Environmental Assessment. He indicated that the effort is an attempt to narrow flight paths to follow the historic paths of the bay.

City Manager Kiff addressed the Airport Noise and Capacity Act (ANCA) of 1990, the number and location of noise monitoring stations, commercial airline operations, general aviation operations, noise-based curfews, the three month test at four sites, microphone directionality, Single Event Noise Exposure Level (SENEL) side-by-side tests, calibrations, microphone and electronic system considerations, higher noise readings resulting from better measurements, and the need to adjust noise limits to reflect the better technology. Additionally, he commented on agencies that are yet to review this matter and presented recommendations.

Jim Mosher took issue with the expansion of the airport over the last 50 years and believed that the Settlement Agreement is a moving target. He addressed capacity limits and noise limits, and referenced a chart he prepared that shows how those limits have increased. He believed that the City should ask for concessions from the County in return for changing

the limits.

Gary Hanson referenced an article in the *Daily Pilot*, noting that it looks like the FAA wants to spread the way airplanes take off.

Mayor Selich noted the item under discussion is relative to noise monitors, not takeoff patterns. City Manager Kiff stated he can speak with Mr. Hanson about takeoff patterns, separately, as it is an important issue being faced by Balboa Island residents.

City Attorney Harp reported that the noise monitoring equipment has improved and noted the importance of maintaining parity in the system. He stated that independent noise experts looked into the matter and confirmed that the analysis is appropriate. He assured that more noise is not being generated, but that there is better equipment to read noise levels.

In response to Council Member Peotter's question, City Manager Kiff explained that, if the older limits had been read with the new equipment, it could be argued that the noise level was higher. Knowing that is a possibility, a settlement agreement that has arbitrarily reduced the noise from what the noise limit should be cannot be in place pursuant to ANCA.

Council Member Peotter believed that, if there is better reading equipment, the noise limits should be held at the same standard.

City Attorney Harp stated that he understood that the original standards were based on the measurements of the older equipment at that time. As the equipment was changed, the same standards were kept.

City Manager Kiff added that the measurements were not arbitrary, but rather a calculated and thoughtful measured assignment back when the settlement agreement was written.

Airport Consultant Thomas Edwards commented on the need to look in a historical perspective from 1985 and the number of changes that have occurred. He added that many of the changes had nothing to do with what the County wanted. He referenced the current cutback procedure at the airport and noted how it changed what was imposed. He added that the noise is what it is but that it is now being registered with new equipment and read differently. He reported that the settlement agreement was grandfathered in but there cannot be an agreement which further limits or restricts access to the airport.

Council Member Peotter believed that it is not being made more restrictive, but rather being brought into alignment with the original intent of the agreement.

Mr. Edwards noted that the original agreement talks about energy levels as measured by the noise monitoring equipment. He added that, in 1985, there was no concept of the intent, but rather as measured at that time. He addressed other changes, including the elimination of Class AA aircraft.

Mayor Selich stated that a certain noise was agreed to in 1985 but now there is a different way of measuring it because of the new equipment. City Manager Kiff added that there is a direct link going back to 1985 and noise events that are being measured better. The settlement agreement reflects the same noise event that would have occurred in 1985, but now it is a more precise number.

Mr. Edwards reported that some of the noise monitors were moved as a result of the noise testing. The community weighed in very heavily and favored a 1,500-foot cutback.

Council Member Curry commented on the potential for lawsuits if this is not done. He pointed out that the groups that reviewed this support and have approved the settlement agreement.

Mayor Pro Tem Dixon asked how the flight path issue should be addressed. City Manager Kiff reported that public comments on the Environmental Assessment were due today.

Council Member Petros reported there has been a very robust discussion at the Aviation Committee meetings with many people expressing an interest in what is happening in the airport. He added that the error in runway designations and flight departure patterns will be addressed. Additionally, he stated that the City has very limited authority as it relates to the operations at JWA, as it is the County's facility and once airborne, aircraft are at the authority of the FAA.

III. PUBLIC COMMENTS - None

City Attorney Harp announced that the City Council will adjourn to Closed Session to discuss the items as listed in the Closed Session agenda and read the titles.

IV. CLOSED SESSION - 5:15 p.m.

**A. CONFERENCE WITH LABOR NEGOTIATORS
(Government Code § 54957.6)**

Agency Designated Representatives: Dave Kiff, City Manager, Carol Jacobs, Interim Assistant City Manager, Terri Cassidy, Deputy City Manager, and Jonathan Holtzman; Negotiators.

Employee Organizations: All Labor Associations: Association of Newport Beach Ocean Lifeguards (ANBOL); Newport Beach City Employees Association (NBCEA); Newport Beach Employees League (NBEL); Newport Beach Firefighters Association (NBFA); Newport Beach Fire Management Association (NBFMA); Newport Beach Lifeguard Management Association (NBLMA); Newport Beach Police Association (NBPA); Newport Beach Police Management Association (NBPMA); Newport Beach Professional and Technical Employee Association (NBPTEA); and Part-Time Employee Association of Newport Beach (PTEANB).

**B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code § 54956.9(d)(1)): 1 matter**

Kent Moore v. City of Newport Beach, et al.
Orange County Superior Court Case No. 30-2015-00769714-CU-WM-CJC

V. RECESS

VI. RECONVENED AT 7:00 P.M. FOR REGULAR MEETING

VII. ROLL CALL

Present: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

VIII. CLOSED SESSION REPORT - None

IX. PLEDGE OF ALLEGIANCE - Council Member Duffield

X. INVOCATION - Council Member Curry

XI. NOTICE TO THE PUBLIC

XII. CITY COUNCIL ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

Council Member Petros announced receiving numerous correspondence regarding school traffic at Corona del Mar High School. He reported that the City has posted Police Officers to direct traffic and asked that parents, residents and neighbors do their part by dropping off students earlier and to be courteous, safe and slow around the schools. Additionally, he referenced correspondence received regarding changes in departures and arrivals at John Wayne Airport (JWA) and noted that it is due, in part, to the changing of the magnetic north of the earth and the renumbering of the runways at the airport, giving a new sense of departure patterns, which is in error. He added that he received an email from JWA which indicates that the FAA will implement corrections on September 17 and the whole project will be completed by mid-October.

Council Member Petros announced a Coastal Clean-up day on September 19 and encouraged residents to attend. He announced a Movie in the Park event on October 2 at Cliff Drive Park where the movie *Frankenweenie* will be shown starting at 6:00 p.m.

Mayor Pro Tem Dixon announced the Peer-to-Pier Challenge on September 20 between 8:30 a.m. and 12:00 p.m. where approximately 2,500 kids will be on the beach, hand-to-hand, between Newport Pier and Balboa Pier. She addressed the event sponsors and noted it will help launch an *International Peace Day* and will bring people together to start a wave of compassion. Additionally, she announced upcoming library events and the September 12 Sculpture in the Civic Center Park grand opening of Phase 2. She commented on a community meeting at the old City Council Chambers on September 15 at 6:00 p.m. which will provide an opportunity for an update from the Police Department and the Community Development Department regarding the Peninsula and community policing.

Council Member Curry reported walking through the Marina Park facility and announced that it will open on December 5.

Mayor Selich reported that the Orange County Community Emergency Response Team (CERT) Mutual Aid Program won the 2015 FEMA Individual and Community Emergency Preparedness Award for outstanding CERT program initiatives and commented on the City's participation. He commented positively on the program and encouraged community members to participate. Additionally, he announced the OASIS Senior Resources Expo on September 12 from 9:00 a.m. to noon and commented on the reopening of Bonita Creek Park Sports Fields which was closed during the summer for installation of synthetic turf. He addressed project costs and rebates provided by the Metropolitan Water District of Southern California and the Municipal Water District of Orange County.

XIII. MATTERS WHICH COUNCIL MEMBERS HAVE ASKED TO BE PLACED ON A FUTURE AGENDA

- Sea Level Rise Policy (Selich)
- Examining Options Regarding Air B-N-B and VRBO Short-Term Rentals (Dixon)
- Changing Policy A-17 (Airport) – the FAA and Fanning v. Narrowing (Petros)

- **Conducting a Health Risk Assessment Relating to Aviation Emissions (Petros)**

Motion by Mayor Pro Tem Dixon, seconded by Council Member Curry, to direct staff to bring the items back for Council consideration at the September 22, 2015 City Council meeting.

The motion carried by the following roll call vote:

Ayes: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

XIV. PUBLIC COMMENTS ON CONSENT CALENDAR

Jim Mosher referenced his written comments submitted regarding Item 5 (Outdoor Dining One Year Pilot Program for Balboa Village) and noted that it was agendized on the BVAC agenda as a different proposal to issue temporary permits for summer outdoor dining. He indicated that there were concerns about blocking sidewalks and that only one person recommended the item and no formal vote was taken on the recommendation. He also believed that the source of the recommendation is unclear. Regarding Item 15 (JWA Settlement Agreement Amendment: Noise Monitoring Station), he disagreed with comments made at the Study Session that there was just a change in readings as opposed to a change in noise. He believed that the change will lead to noise increases and allow higher noise levels, and that the City should ask for something in return. Regarding Item 3 (Second Reading of Ordinance No. 2015-27 Relating to the Use of the Official Seal of the City of Newport Beach), he asked why Council would allow a loosely written law and suggested banning all use of the City seal with a few exceptions.

XV. CONSENT CALENDAR

A. READING OF MINUTES AND ORDINANCES

1. **Minutes for the August 11, 2015 Study Session and Regular Meeting [100-2015]**
Waive reading of subject minutes, approve as amended, and order filed.
2. **Reading of Ordinances**
Waive reading in full of all ordinances under consideration, and direct the City Clerk to read by title only.

B. ORDINANCES FOR ADOPTION

3. **Second Reading of Ordinance No. 2015-27 Relating to the Use of the Official Seal of the City of Newport Beach [100-2015]**
Conduct second reading and adopt Ordinance No. 2015-27, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Newport Beach Municipal Code Section 1.16.050 Regarding the Use of the Official Seal of the City of Newport Beach*, prohibiting all non-official uses of the official seal of the City of Newport Beach.
4. **Second Reading of the Landscape Maintenance Code Amendments (PA2015-108) [100-2015]**
 - a) Find the project to be categorically exempt pursuant to Title 14, Chapter 3 (Guidelines for the California Environmental Quality Act) of the California Code of Regulations under Class 7;
 - b) Conduct a second reading and adopt Ordinance No. 2015-25, *An Ordinance of the City Council of the City of Newport Beach, California, Approving Code Amendment No. CA2015-007 and Amending Section 10.50.020 (Nuisance) of the Newport Beach Municipal Code (PA2015-108)*; and

- c) Conduct a second reading and adopt Ordinance No. 2015-26, *An Ordinance of the City Council of the City of Newport Beach, California, Approving Code Amendment No. CA2015-007 and Amending Section 20.36.050 (General Landscape Standards) of the Newport Beach Municipal Code (PA2015-108).*

C. RESOLUTIONS FOR ADOPTION

- 5. **Outdoor Dining One Year Pilot Program for Balboa Village (PA2015-137) [100-2015]**
 - a) Find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines; and
 - b) Adopt Resolution No. 2015-69, *A Resolution of the City Council of the City of Newport Beach, California, Approving an Outdoor Dining Pilot Program for a Period of One Year Within Balboa Village (PA2015-137).*
- 6. **Revision of City Council Policy G-1 (Retention or Removal of City Trees) and City Council Policy G-6 (Maintenance and Planting of Parkway Trees) [100-2015]**
 - a) Adopt Resolution No. 2015-70, *A Resolution of the City Council of the City of Newport Beach, California, Amending City Council Policy G-1 (Retention, Removal, and Maintenance of City Trees); and*
 - b) Adopt Resolution No. 2015-71, *A Resolution of the City Council of the City of Newport Beach, California, Amending City Council Policy G-6 (Maintenance and Planting of Parkway Trees).*
- 7. **Amend City Council Policy F-9 (City Vehicle/Equipment Guidelines) [100-2015]**

Continue to a future Study Session.
- 8. **Resolution to Revise Street Sweeping Parking Restrictions [100-2015]**
 - a) Rescind Resolution No. 2014-91; and
 - b) Adopt Resolution No. 2015-73, *A Resolution of the City Council of the City of Newport Beach, California, Establishing "No Parking" Restrictions on Designated Streets on Specific Days and Times to Improve Street Sweeping Effectiveness and Rescinding Resolution No. 2014-91.*

Mayor Pro Tem Dixon recused herself from this item because she resides 500-feet from the project

9. Investment Policy Review and Update [100-2015]

With the Finance Committee's incorporated recommendations, staff recommends that Council formally approve the proposed changes by adopting Resolution No. 2015-74, *A Resolution of the City Council of the City of Newport Beach, California, Finding Consistency with Stated Investment Objectives and Amending City Council Policy F-1, Statement of Investment Policy, to Allow the City to Invest in Supranational Bonds; and to Make Applicable the Investment Policy's Percentage Limitations for All Types of Securities Only on the Date of Purchase, Consistent with California Code Section 53601.* These changes are in furtherance of the City's investment objectives.

D. CONTRACTS AND AGREEMENTS

- 10. **Renewal of a Cooperative Agreement for Total Maximum Daily Load (TMDL) Program Planning and Implementation for Nutrients, Fecal Coliform Bacteria and Toxics in the Newport Bay Watershed (C-5164) [38/100-2015]**

Authorize the Mayor and the City Clerk to execute Amendment No. 1 to Agreement D11-066, in substantially the same form as the attached amendment, to extend the term and

funding for implementing TMDL planning programs, studies, and monitoring in the Newport Bay Watershed.

11. **Traffic Signal Modernization Project - Phase 8 - Award of Construction Contract No. 6079 (15T11/CAP 15-021) [38/100-2015]**
 - a) Approve the project drawings and specifications;
 - b) Award Contract No. 6079 to Pro Tech Engineering Corporation for the total bid price of \$670,225.00, and authorize the Mayor and the City Clerk to execute the contract; and
 - c) Establish an amount of \$67,000 (10%) to cover the cost of unforeseen work.
12. **Multiple Buildings Roofing Project - Reject All Bids - Contract No. 6226 [38/100-2015]**

Reject the bid received from Best Contracting Services, Inc.
14. **Cooperative Agreement between the City of Newport Beach and The Regents of The University of California for Marina Park Community Boating Program (C-6282) [38/100-2015]**
 - a) Approve the Cooperative Agreement between the City of Newport Beach (City) and The Regents of The University of California (the University); and
 - b) Authorize Director of Recreation & Senior Services Department to execute documents necessary to implement the Cooperative Agreement and approve future amendments to the Cooperative Agreement as needed.
15. **JWA Settlement Agreement Amendment: Noise Monitoring Station (C-2535) [38/100-2015]**
 - a) Find that the execution of the Tenth Supplemental Stipulation to the JWA Settlement Agreement is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines;
 - b) Find that that the Tenth Supplemental Stipulation to the JWA Settlement Agreement complies with City Council Policy A-17; and
 - c) Authorize the City Attorney to execute the Tenth Supplemental Stipulation to the JWA Settlement Agreement on behalf of the City.

E. MISCELLANEOUS

16. **Planning Commission Agenda and/or Action Report for the August 20, 2015 and September 3, 2014 Meetings [100-2015]**

Receive and file.
17. **Budget Amendment to Accept a Check from the Friends of the Newport Beach Library and Appropriate Funds to the Library's Fiscal Year 2015/2016 Maintenance and Operation Budget [100-2015]**

Approve Budget Amendment No. 16BA-005 to increase revenue estimates by \$205,000 in Account 0106052-511080 (Friends of the Library Donations) and to increase expenditure estimates by the same amount in Division 0106052 (Friends of the Library) and Division 01060604 (Literacy Services).
18. **Rehabilitation of the City's Radio Communication Tower [100-2015]**

Approve Budget Amendment No. 16BA-006 appropriating \$400,000 for the rehabilitation of the City Radio Tower Rehabilitation Project from unappropriated fund balance. If approved, 80 percent will be funded by the 800 MHz Equipment Fund, 15 percent will be funded by the Water Fund and 5 percent will be funded by the Wastewater Fund.

Motion by Mayor Pro Tem Dixon, seconded by Council Member Petros, to approve the Consent Calendar, except for the item removed (Item 13); and noting the recusal by Mayor Pro Tem Dixon on Item 8 and the continuance of Item 7 to a future Study Session.

The motion carried by the following roll call vote:

Ayes: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

XVI. ITEMS REMOVED FROM THE CONSENT CALENDAR

13. Plan Review Services - Amendment to the Professional Services Agreement with VCA Code (C-5878) and JAS Pacific (C-5875) and Approval of Budget Amendment [38/100-2015]

Council Member Peotter requested clarification regarding the item not having a budget increase.

Community Development Director Brandt explained that the staff report provides an estimate on how many customers may want to utilize this service for outside plan check services. She added that staff is providing a realistic, worst-case scenario relative to impacts to expenditures. The cost for using outside consultants could be attributed to the increase in permit fees. City staff is currently working at a very high level due to reaching capacity and, therefore, more people may want to use an outside service or, there may be a situation where people choose an outside service, and the City would realize a corresponding reduction in in-house staff resources through a variety of methods. She assured that staff will monitor the program and make appropriate adjustments.

Council Member Peotter commended staff for the item.

Motion by Council Member Peotter, seconded by Council Member Curry to a) find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines; b) approve and authorize the Mayor and City Clerk to execute an amendment to the Professional Services Agreement with The Code Group, dba VCA Code, for an additional \$166,847 with a not to exceed limit of \$1,546,847; c) approve and authorize the Mayor and City Clerk to execute an amendment to the Professional Services Agreement with Jason Addison Smith Consulting, Inc., dba JAS Pacific for an additional \$180,750 with a not to exceed limit of \$1,121,750; and d) approve Budget Amendment No. 16BA-002, increasing department expenditures by \$347,597.

The motion carried by the following roll call vote:

Ayes: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

XVII. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Wayne Harropson distributed a handout and commented on the Supreme Court decision relative to same-sex marriage and believed that those who agree with it have condemned their souls. He referenced a poster and took issue with those who voted to censure Council Member Peotter

Mayor Selich clarified that Council Member Peotter was not censured and that the comments are beyond the jurisdiction of the City Council. He added that, if there are similar comments regarding this matter, he will rule the speaker out of order.

Jim Moore commented on a letter distributed by City Manager Kiff regarding removal of Eucalyptus trees on Poppy Avenue. He requested evidence for the need to remove the trees and commented on the lack of community input on the matter. He agreed that, if they are diseased or hazardous, they should be removed but found it hard to believe there were that many trees.

Tanya Pham, volunteer and VP of Development for the Association of U.S. Army, announced an upcoming Veterans Honor Ride on November 8 in association with the American Legion Post 716 in Los Alamitos. She noted that this is a fundraising effort and will include riding through fourteen different cities, including Newport Beach. She addressed events and stops in connection with the ride and recognized Retired Major and Vietnam Veteran Howard Lewis.

Retired Major Howard Lewis expressed pride in the country and in Association of U.S. Army for their efforts.

Lesley Miller reported areas on the beach needing trash cans and the proliferation of tents on the beach and related undesirable behavior and blockage to views. She suggested that Council consider an ordinance to ban tents.

Paul Matheis congratulated Council, the City Manager and Matt Brisbois for the successful CERT program. He referenced earlier requests for a Grand Jury investigation into the illegal leak of a confidential memorandum and his subsequent request for an alternative investigation to be conducted by the Civil Service Board. He reported that no information has been provided to the public. He addressed the importance of confidence in the business of government at the local level and stated that the failure of Council to act in a transparent manner is unfortunate and should be avoided. He asked that Council provide information and feedback regarding the outcome of the investigation.

Julie Hudash, Founder of Team Kids, thanked Mayor Pro Tem Dixon for sharing information about the Peer-2-Pier Challenge and congratulated Council and the City for the beautiful Civic Center facility. She discussed the organization and added that the Newport Beach event will be in honor of 8-eight year old Martin Richard who lost his life in the Boston Marathon bombing. She expressed hope that Council will participate in the free event. She added that they will also work with the Ben Carlson Foundation.

Regarding the trees on Poppy, John Bryant believed that they are a big part of the City and hoped that the City will give the matter further consideration. Additionally, he expressed concerns with people selling merchandise on the beach at Corona del Mar State Beach and how the security guards are handling fire pit issues. He suggested providing additional training to the security guards.

Erin McDonald believed that the Poppy Avenue trees add charm and quaintness to the neighborhood. She commented on the trees being special trees and understood the need to replace a few diseased trees, but not the proposed quantities. She referenced the City Manager's letter and asked why it was not accompanied by the documentation supporting the City's decision. She added that the Eucalyptus is not listed in the City's list of problem trees and that residents should have been informed of any overriding problems with the trees.

Tracey Funke agreed with the previous speakers' comments relative to the trees on Poppy Avenue, believed that residents should have been notified, and felt that this is happening too quickly.

Steph McDonald commented on the removal of trees on Poinsettia Avenue and noted that trees removed from Poinsettia have not been replaced.

City Manager Kiff commented on the process for identifying dangerous trees, including obtaining second opinions. He discussed the opinions of the City's contract arborist and that of a second arborist. He addressed the ranking systems and the arborists' conclusions. He reported that the supporting documentation will be placed on the City's website, the trees will be marked, and residents will be advised of the date of the removal. He indicated that he would like to work with residents regarding reforestation.

Mayor Selich stated that Julie Brinkerhoff-Jacobs, Lifescapes International, lives on Poppy and was provided with documentation. He indicated that she intends to work with staff on the reforestation plans.

Council Member Petros stated that he would like to quickly engage residents on plans for reforestation when the trees are removed and commented on the need to get a canopy up on that street. In response to his question, City Manager Kiff addressed the need for street parking on Poppy Avenue.

XVIII. ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES

Mayor Selich provided an update on the August meeting of the General Plan/Local Coastal Program Implementation Committee, including items discussed. He added that the Planning Commission will be holding a study session on the plan later this month.

XIX. PUBLIC HEARING

19. Community Development Block Grant (CDBG), Program Year 2014-2015, Consolidated Annual Performance and Evaluation Report [100-2015]

Community Development Director Brandt provided the staff report.

In response to Council Member Muldoon's question regarding the amount being offered, Community Development Director Brandt noted that the report is for last year's grant which totaled \$326,590 and reported that there was grant money available from previous years. She added that the amount varies depending on how much funding is available through the U.S. Department of Housing and Urban Development (HUD).

Council Member Muldoon expressed concerns about strings associated with the money. Community Development Director Brandt clarified that the money can only be used for certain things specifically prescribed by the Federal Government and that the list is included in the report.

Council Member Muldoon commented on mandatory housing requirements and expressed concerns about how the Federal Government can use CDBG funds to require certain structures.

Council Member Petros commented on the amount for Administration and Fair Housing noting increases from last year's report. Community Development Director Brandt explained it reflects a combination of both line items.

Mayor Selich opened the public hearing. Hearing no testimony, he closed the public hearing.

Motion by Council Member Curry, seconded by Council Member Petros, to a) find the approval of the Program Year 2014-2015 CAPER is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines;

b) approve the Program Year 2014-2015 CAPER; and c) direct the City Manager or his designee to submit the Program Year 2014-2015 CAPER to HUD.

The motion carried by the following roll call vote:

Ayes: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

20. Approval of Master Fee Schedule and Change in Subsidies Continuation [100-2015]

Mayor Selich opened the public hearing. Hearing no testimony, he closed the public hearing.

Motion by Council Member Curry, seconded by Council Member Petros, to continue the item to the September 22, 2015 City Council meeting.

The motion carried by the following roll call vote:

Ayes: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

XX. CURRENT BUSINESS

21. Appointments to the Board of Library Trustees [100-2015]

City Clerk Brown read the ballot votes for the Library Board of Trustees as follows:

Jill Johnson-Tucker – Council Members Peotter; Petros, Curry, Duffield, Muldoon, Mayor Pro Tem Dixon and Mayor Selich

Janet Ray – Council Members Peotter, Petros, Curry, Duffield, Muldoon, Mayor Pro Tem Dixon and Mayor Selich

City Clerk Brown announced that Jill Johnson-Tucker was reappointed to the Library Board of Trustees for a four-year term and Janet Ray was appointed to the Library Board of Trustees for a four-year term.

22. East Coast Highway Traffic Signal Rehabilitation Project - Award of Construction Contract No. 5418 (15T04/CAP13-0017) [100-2015]

Deputy Public Works Director Mark Vukojevic provided the staff report and detailed the proposed project and timeline.

Motion by Council Member Curry, seconded by Council Member Peotter, to a) approve the project drawings and specifications; b) award Contract No. 5418 to Dynalectric for the total bid price of \$1,993,887.00, and authorize the Mayor and the City Clerk to execute the contract; c) establish an amount of \$200,000.00 (approximately 10%) to cover the cost of unforeseen work not included in the original contract; d) approve Budget Amendment No. 16BA-007 appropriating \$855,200 from the unappropriated Pacific Coast Highway Relinquishment Fund (137) to Account No. 13701-980000-15T04 (East Coast Highway Traffic Signal Rehabilitation project); and e) authorize staff to execute a sole-source purchase with Pacific Lighting Sales, Inc. of custom LED luminaires and decorative scrolls for six intersections within Corona del Mar Village.

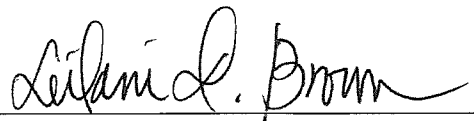
The motion carried by the following roll call vote:

Ayes: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

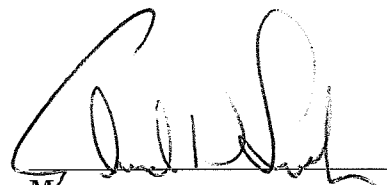
XXI. MOTION FOR RECONSIDERATION - None

XXII. ADJOURNMENT - 8:08 p.m.

The agenda for the Regular Meeting was posted on the City's website and on the City Hall Electronic Bulletin Board located in the entrance of the City Council Chambers at 100 Civic Center Drive on September 3, 2015, at 4:00 p.m.



Recording Secretary



Mayor



City Clerk

